Robert Lee Rodowski Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

\* \* \* \* \* \* \* \* \* \*

\* BEFORE THE

\* ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* Case No. 91-19-A

The Petitioner herein requests a variance, pursuant to Section 22-26(b)(1) of the Baltimore County Code and Section 400.1 Baltimore County Zoning Regulations (B.C.Z.R.) to allow an accessory structure (detached garage) to be located in the front/ side yard in lieu of the required rear yard, as more particularly described on Petitioner's Exhibit No. 1.

The Petitioner having filed a Petition for a Residential Variance, the subject property, known as 306 Third Street, zoned D.R. 5.5, having been posted and there being no request for a public hearing, this matter is ready for determination. The Petitioners are requesting a variance to allow an accessory structure (detached garage) to be located in the front/side yard.

The Petitioner has filed the supporting affidavits, marked Petitioner's Exhibit No. 2, as required by Section 22-26 (b)(1) of the Baltimore County Code. There is no evidence in the file or record to indicate that the subject variance would adversely affect the health, safety and/or general welfare of the public.

In the opinion of the Zoning Commissioner, it is established that the information and affidavits provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners. Based upon the information available, the relief should be granted.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 24 day of August, 1990 that the Petition for a Zoning Variance, pursuant to Section 22-26(b)(1) of the Baltimore County Code and Section 400.1 Baltimore County Zoning Regulations (B.C.Z.R.) to allow an accessory structure (detached garage) to be located in the front/ side yard in lieu of the required rear yard, in accordance with Petitioner's Exhibit No. 1, is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent the relief granted herein:

> 1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioner shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

3. The Petitioner and/or any successors in title, tenants and/or other individuals, shall not use the detached garage for the storage. overnight parking, or maintenance of any commercial vehicle. The subject property shall not be used, employed or operated as a commercial or business operation of any kind.

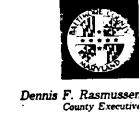
4. Upon request and reasonable notice, the Petitioner shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

> Zoning Commissioner for Baltimore County

cc: Peoples Counsel

Baltimore County Zoning Commissione Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines
Zoning Commissioner

August 23, 1990



Mr. Robert Lee Rodowski 306 Third Street Baltimore, Maryland 21206

RE: Petition for Residential Zoning Variance Case No. 91-19-A

Dear Mr. Rodowski:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

cc: Peoples Counsel

## PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

ion and plat attached hereto and made a part hereof, petition for a Variance from Section

400.1 To allow an accessory structure (detached garage) to be located

in the front/side yard in lieu of the required rear yard. of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason:/ (indicate herdship or practical difficulty) Baltimore County Law SEE ATTACHED Inconvenience (storage)

Baltimore County adopted pursuant to the Zoning Law for Baltimore County I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal

owner(s) of the property which is the subject of Legal Owner(s):

w. 944-6171 306 Third Street H. 665-8614 Baltimore, Maryland 21206 purchaser or representative to be contacted.

in Hoom 108, County Office Building in Towson, Baltimore County, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_, at \_\_\_\_ a'clock,

OTHER DECEMBED FOR FILING

ZONENG COPPLESSIONER OF BALTIFETE COUNTY

(Hardship or Practical Difficulty)

91-19-A

Baltimore County Law: States you may not erect any building on a side yard. I live in a semi-detached home located on a corner lot attached rear to rear instead of side to side. Due to the layout of my corner house I have no rear yard, I have a side yard.

Inconvenience (storage): My house, located at 306 Third Street does not have a attic, therefore, storage space is at a premium. The size of my lot warrents several pieces of lawn equipment for ground upkeep that must be kept stored.

Parking: Convenience as a homeowner to have a garage to ease parking on the street. Due to semi-detached homes, each home having two cars, and business trucks, parking is difficult.

Beginning at a point on the east side of Third Street which is a 50 foot right-of-way width at the distance of 200 feet north of the centerline of the nearest improved intersecting street Greenwood Avenue which is a 50 foot right-of-way width. Being Lot # 65 in the subdivision of Ken-Knoll as recorded in Baltimore County Plat Book # 16, Folio # 54, containing 5,778.10 square feet or 0.13 acres in lot. Also known as 306 Third Street, Baltimore, Maryland 21206 and located in the # 14 Election District.

Aumber of Signe:



Zoning Commisione County Office Building 111 West Chesapeake Avenue

\$60.00

7/11/90

H910000B

PUBLIC HEARING FEES FRICE 010 -ZBNING VARIANCE (IRL) **\$35.**00 080 -POSTING SIGNS / ADVERTISING 1 \$25.00 \$40.00 LAST NAME OF OWNER: RODOWSKI

04A04#0047MICHRC Please make checks payable to Salinana CountMEXT BUSINESS DAY

BA C004:11PM07-11-90

Contract Purchaser:

CIty/State/Zip Code

Attorney for Petitioner

\_\_\_\_.m.

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with

That the Affiant(s) does/do presently or upon settlement will reside at \_\_\_\_\_ 306 Third Street, Baltimore, Maryland 21206

That based upon personal knowledge, the following are the facts upon which I/we base the request for for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty) Baltimore County Law SEE ATTACHED SEE ATTACHED Inconvenience (storage)

SEE ATTACHED

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

AFFIANT (Handwritten Signature)

APFIANT (Handwritten Signature) Robert Lee Rodowski AFFIANT (Printed Name) APPIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: I HEREBY CERTIFY, this 10 day of JUL, 1990, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

ROBERT LEE RODOWSKI the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts bereinabove set forth are true and correct to the best

AS WITNESS my hand and Motarial Seal.

of his/her/their knowledge and belief.

7-10-90

Hobert lee Rodonski

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines

July 17, 1990

Robert Lee Rodowski 306 Third Street Baltimore, Maryland 21206

Re: CASE NUMBER: 91-19-A ITEM NUMBER: 8 LOCATION: 306 Third Street

Dear Petitioner(s):

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before August 1, 1990. The last date (closing date) on which a neighbor may file a formal request for bearing is August 16, 1990). Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reposting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the passing of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your Order to be held and incur a \$50.00 charge. Please be advised that the Order will not be available for you to pick-up the day you return the sign.

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

> 3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

> > G. G. Stephens (301) 887-3391

Very truly yours,

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines

July 31, 1990

Mr. Robert Lee Rodowski 306 Third Street Baltimore, MD 21206



RE: Item No. 8, Case No. 91-19-A Petitioner: Robert Lee Rodowski Petition for Residential Variance

Dear Mr. Rodowski:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY OUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Zoning Plans Advisory Committee

Enclosures

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines



Your petition has been received and accepted for filing this 11th day of July, 1990.

Petitioner: Robert Lee Rodowski Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

DATE: July 19, 1990 Zoning Commissioner

Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: James F. Seal, Item No. 1 James R. Gernhart, Jr., Item No. 3 William A. Jenkins, et al, Item No. 5 Richard M. Post, Item No. 7 Robert Lee Rodowski, Item No. 8 Seven Courts Development Partnership, et al, Item No. 9 Roger Scott Weinberg, Item No. 10 George MacDonald, Item No. 14 Olwyn Diamond, Item No. 419 Philip Diamond, Item No. 420 Mark K. Harvey, Item No. 439 Michael John Reddy, Item No. 440 David Seymour Allen, Item No. 441 Robert Frank Bolling, Item No. 442 Nicholas Stamatacos/Angelina Stamatacos, Item No. 444

Stephen B. Leese, Sr., Item No. 445 Harry R. Kleinhen, Item No. 447 Alpha J. Davis, Jr. Item No. 448 Judith L. Early, Item No. 455 David Shimony, Item No. 456 Kirk Riggs, Item No. 457 James Paskert, Item No. 458 James M. Burke, Item No. 459 John A. Meyers, Item No. 465

In reference to the above-mentioned cases, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

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Baltimore County Fire Department 700 East Joppa Road, Suite 901 Towson, Maryland 21204-5500 (301) 887-4500

JULY 20, 1990

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Dennis F. Rasmussen

Dennis F. Rasmusser

Towson, MD 21204

RE: Property Owner:

Baltimore County Office Building

#306 THIRD STREET Location: Zoning Agenda: JULY 31, 1990 Item No.: \*8

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

ROBERT LEE RODOWSKI

7. The Fire Prevention Bureau has no comments at this time.

Special Inspection Division

BALTIMORE COUNTY. MARYLAND INTER-OFFICE CORRESPONDENCE JULY 20, 1990

J. ROBERT HAINES, ZONING COMMISSONER, DEPARTMENT ZONING

CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES CEB

> ZONING ITEM #: 8th PROPERTY OWNER: ROBERT LEE RODOWSKI LOCATION: E/S Third Street, N/cor of Greenwood Avneu (#306 Third Street) ELECTION DISTRICT: 14th COUNCILMANIC DISTRICT:

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE

NUMBER PARKING SPACES BUILDING ACCESS

( ) RAMPS (degree slope) ( ) CURB CUTS ( ) SIGNAGE PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE

SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE. X A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE

A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING

USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.

STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 ( BALTIMORE COUNTY BUILDING CODE).

OTHER - North, East, and South walls must comply with Tables 906.2 and 906.3

PERMITS HAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMI**TTED.** 

2 4 1990

Plat to accompany Petition for Zoning X Variance X Special Hearing PROPERTY ADDRESS: 306 Third Street Baltimore, Md. 21206 10-Subdivision name: KEN-KNOLL

Plat book 16, folio 54, jot 65 OWNER: Robert Lee Rodowski LOCATION INFORMATION Councilmanic District : 6 Election District: 14 1"=200" scale map#: N. E. G-E Zoning: DR 5.5 Lot size: 0.13 5,778.10 square feet SEWER: 🔯 🔲 WATER: 🖾 🔲 Chesapanke Bay Critical Area: NONE Zoning Office USE ONLY! REVIEWED BY! ITEM#: CASE#: SCALE: 1"-20" Prepared by: George Chagetas

